

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18140 of 2020

Arising Out of PS. Case No.-70 Year-2017 Thana- BANSHI District- Jehanabad

ANIL TIWARI S/O Kamal Nayan Tiwari @ Ayodhya Pandey R/o- Vill -
Kalyanpur, PS- Banshi, Distt.- Arwal.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha,Advocate
For the Opposite Party/s : Mr.Uday Chand Prasad,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-09-2021 Heard learned counsel for the petitioner and Mr. Uday
Chand Prasad, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with S.Tr. No. 333 of 2018 arising out of Banshi P.S. Case No. 70 of 2017 registered for the offences punishable under Sections 304B, 201/34 of the Indian Penal Code. He is in custody since 19.05.2018. The petitioner has otherwise no criminal antecedent.

Learned counsel for the petitioner submits that in this case the petitioner is the husband of the deceased. It is alleged that the marriage between the petitioner and the deceased was solemnised on 26.02.2015 but thereafter the petitioner and other co-accused were looking for dowry and due to non-fulfillment of the demand of dowry the daughter of the informant has been killed.

Learned counsel for the petitioner submits that the petitioner and the entire family as also the near relatives of the family



altogether 11 persons have been made accused in this case. So far as this petitioner is concerned, he is in custody since 19.05.2018.

Learned counsel submits that in this case the charge was framed as back as on 15.11.2019 but till date the trial has not progressed. The petitioner has remained in custody for over 3 years 4 months.

It is his submission that if the trial is not getting concluded within a reasonable time, this Court may take an appropriate view of the matter granting release of the petitioner on bail.

Mr. Uday Chand Prasad, learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that since the charge has already been framed about two years ago, some more time may be allowed to the learned trial court to conclude the trial.

Considering the facts and circumstances of the case as also that earlier the learned Predecessor Bench of this Court has rejected the prayer for bail of the petitioner on 06.11.2019 in Cri. Misc. No. 69607 of 2019 with an observation directing the learned trial court to expedite the framing of charge and conclusion of trial as early as possible but till date the trial has not been concluded and the petitioner has remained in custody for over 3 years 4 months, this Court is of the considered opinion that the trial court must proceed with the trial with all urgency keeping the records on shorter dates. All endeavours be made to conclude the trial as early as possible



preferably within a period of 6 months from the date of communication of this order.

The prosecution must co-operate by producing all the witnesses on the dates fixed in the matter. Despite all this, if the trial is not concluded within a period of 6 months for no reason attributable to the petitioner, the petitioner above named shall be released on bail on furnishing of bail bonds and other conditions to the satisfaction of the learned trial court.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

